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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,918	12/20/2000	Ronaldus Maria Aarts	PHN 17,835	9606

24737 7590 10/08/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,918

Applicant(s)

AARTS ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 and 8 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2644

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 8 lines 2 and 4, recites “subtend”. The term “subtend” has not been disclosed in the specification.

Claim Objections

2. **Claim 2** is objected to because of the following: lines 2-3, recites “as seen in the signal transport transport direction”. There is insufficient antecedent basis. Appropriate correction is required.

3. **Claim 3** is objected to because of the following: line 2, recites “the relevant”. There is insufficient antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 8** is rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's admitted prior art (herein, AAPA).

Art Unit: 2644

Regarding claim 8, the applicant's admitted prior art (AAPA) discloses in figure 1 an audio signal processing the device of the present state of the art (prior art) comprising an audio device for receiving an encoded signals containing a plurality of channels of with a plurality of frequency sub-bands, synthesis filter banks for decoding and synthesizing and main-related filters and combination circuits for the channels of the frequency sub-bands.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Fielder et al, U. S.

Patent No. 6446037.

Regarding claim 8, Fielder et al. discloses scalable coding method for high quality audio. Fiedler disclosure comprises an encoding and decoding process of audio in different frequency subband of a signal, a synthesis filter, which further, inherently supports the subband signals being combined, as supported by the fact that the synthesis filter generates an output signal (col. 7, lines 11-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-2, 4 and 6-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Fielder.

Regarding **claim 1**, the applicant's admitted prior art (AAPA) discloses in figure 1 an audio signal processing the device of the present state of the art (prior art) comprising an audio device for receiving an encoded signals containing a plurality of channels of with a plurality of frequency sub-bands, synthesis filter banks for decoding and synthesizing and main-related filters and combination circuits for the channels of the frequency sub-bands. However, the AAPA fails to specifically disclose a synthesis filter receiving input for the combination circuits. The examiner maintains that such a synthesis filter was well known in the art.

Regarding the synthesis filter, Fielder et al. discloses scalable coding method for high quality audio. Fiedler disclosure comprises an encoding and decoding process of audio in different frequency subband of a signal, and a synthesis filter, (col. 7, lines 11-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of AAPA by incorporating a synthesis filter as a part decoding for the purpose of filtering the combined subband signals to obtain an output signal which may be provided to other audio input/output interfaces as taught by Fielder.

Regarding **claim 2**, AAPA and Fielder discloses everything claimed as applied above (see claim 1). AAPA further discloses main related filters upstream from the synthesis filters (SFBs), which reads on filter means.

Regarding **claim 4**, AAPA and Fielder discloses everything claimed as applied above (see claim 2). AAPA disclose SFB at the input of the channels of the subbands (figure 1).

Regarding **claim 6**, AAPA and Fielder discloses everything claimed as applied above (see claim 1). AAPA further discloses main related filters upstream from the synthesis filters (SFBs) providing out put to left and right audio channels for audio reproduction.

Allowable Subject Matter

8. Claims 3, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


Or faxed to:

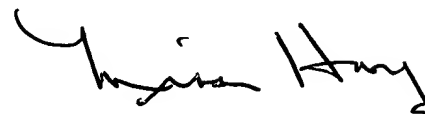
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2644

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG 
September 29, 2003



MINSUN OH HARVEY
PRIMARY EXAMINER